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7                   **UNITED STATES DISTRICT COURT**  
8                   **DISTRICT OF NEVADA**  
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10 CARMENO SLOJKOWSKI,

11                 Plaintiff,

12 v.

13 CLARK COUNTY FAMILY SERVICES,  
14                 *et al.*,

15                 Defendants.

Case No. 2:12-cv-00907-KJD-CWH

**ORDER**

16                 Presently before the Court is the Report and Recommendation (#20) of Magistrate Judge  
17 C.W. Hoffman, Jr., entered January 8, 2013, recommending that Plaintiff's Amended Complaint be  
18 dismissed with prejudice. Plaintiff filed an Objection to the Magistrate Judge's Report and  
19 Recommendation (#21) pursuant to Local Rule IB 3-2 of the Local Rules of Practice of the United  
20 States District Court of the District of Nevada.

21                 The Court has conducted a de novo review of the record in this case in accordance with 28  
22 U.S.C. § 636(b)(1) and LR IB 3-2. The Court finds that the Report and Recommendation of the  
23 United States Magistrate Judge entered January 8, 2013 should be adopted and affirmed.

24                 Plaintiff's complaint failed to satisfy the standards set forth in *Ashcroft v. Iqbal*. 556 U.S. 662  
25 (2009). A court considering dismissal begins by identifying pleadings that are not entitled to the  
26 assumption of truth, because they are no more than conclusions. *Id.* at 679. While legal conclusions

1 provide the framework of the complaint, they must be supported by factual allegations. Id. at 679.  
2 When a complaint contains well-pled factual allegations, a court assumes them to be true and  
3 determines whether they state a plausible claim for relief. Id. at 679. While Plaintiff has alleged that  
4 Defendants acted under color of state law, he has not stated sufficient factual allegations to make this  
5 conclusion plausible. Rather than simply stating that Defendants acted pursuant to a custom or  
6 policy, Plaintiff should have stated the facts that implicated the existence and character of those  
7 customs or policies. If Plaintiff had stated factual allegations that plausibly gave rise to an  
8 entitlement to relief, his complaint would have survived dismissal on this ground.

9 Furthermore, Plaintiff's complaint involves matters unfit for resolution in federal court.  
10 Federal courts should not exercise jurisdiction of cases concerning domestic relations when the  
11 primary issue concerns the status of parent and child. Beuchold v. Ortiz, 401 F.2d 371, 372 (9th Cir.  
12 1968). "Even when a federal question is presented," as is here, "federal courts decline to hear  
13 disputes which would deeply involve them in adjudicating domestic matters." Thompson v.  
14 Thompson, 798 F.2d 1547, 1558 (9th Cir. 1986). Accordingly, the proper place for Plaintiff to file  
15 his action is state court, because states have "superior competence" and interest in resolving domestic  
16 disputes. Peterson v. Babbit, 708 F.2d 465, 466 (9th Cir. 1983) (citing Moore v. Sims, 442 U.S. 415  
17 (1979)).

18 Accordingly, **IT IS HEREBY ORDERED** that Magistrate Judge C.W. Hoffman, Jr.'s  
19 Report and Recommendation (#20) is **ADOPTED** and **AFFIRMED**;

20 **IT IS FURTHER ORDERED** that Plaintiff's Amended Complaint is **DISMISSED with**  
21 **prejudice.**

22 DATED this 28<sup>th</sup> day of June 2013.



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24 Kent J. Dawson  
United States District Judge  
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